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9 **BEFORE THE**
BOARD OF REGISTERED NURSING
DEPARTMENT OF CONSUMER AFFAIRS
10 **STATE OF CALIFORNIA**

11 In the Matter of the Accusation Against:

Case No. 2013-652

12 **CLAUDINE RAE CRILLY**
13 **508 South Olympia Way**
14 **Orange, CA 92869**

ACCUSATION

15 **Registered Nurse License No. 768552**

16 Respondent.

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18 Complainant alleges:

19 **PARTIES**

20 1. Louise R. Bailey, M.Ed., RN (Complainant) brings this Accusation solely in her
21 official capacity as the Executive Officer of the Board of Registered Nursing, Department of
22 Consumer Affairs.

23 2. On or about February 18, 2010, the Board of Registered Nursing issued Registered
24 Nurse License Number 768552 to Claudine Rae Crilly (Respondent). The Registered Nurse
25 License was in full force and effect at all times relevant to the charges brought herein and will
26 expire on April 30, 2013, unless renewed.
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JURISDICTION

3. This Accusation is brought before the Board of Registered Nursing (Board), Department of Consumer Affairs, under the authority of the following laws. All section references are to the Business and Professions Code unless otherwise indicated.

4. Section 2750 of the Business and Professions Code ("Code") provides, in pertinent part, that the Board may discipline any licensee, including a licensee holding a temporary or an inactive license, for any reason provided in Article 3 (commencing with section 2750) of the Nursing Practice Act.

5. Section 2764 of the Code provides, in pertinent part, that the expiration of a license shall not deprive the Board of jurisdiction to proceed with a disciplinary proceeding against the licensee or to render a decision imposing discipline on the license.

6. Section 2811(b) of the Code provides, in pertinent part, that the Board may renew an expired license at any time within eight years after the expiration.

STATUTORY PROVISIONS

7. Section 482 of the Code states:

Each board under the provisions of this code shall develop criteria to evaluate the rehabilitation of a person when:

(a) Considering the denial of a license by the board under Section 480; or

(b) Considering suspension or revocation of a license under Section 490.

Each board shall take into account all competent evidence of rehabilitation furnished by the applicant or licensee.

8. Section 2761 of the Code states:

The board may take disciplinary action against a certified or licensed nurse or deny an application for a certificate or license for any of the following:

(a) Unprofessional conduct, which includes, but is not limited to, the following:

(1) Incompetence, or gross negligence in carrying out usual certified or licensed nursing functions.

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REGULATORY PROVISIONS

9. Title 16, California Code of Regulations, section 1443, provides:

As used in Section 2761 of the code, "incompetence" means the lack of possession of or the failure to exercise that degree of learning, skill, care and experience ordinarily possessed and exercised by a competent registered nurse as described in Section 1443.5.

10. Title 16, California Code of Regulations, section 1443.5, provides:

A registered nurse shall be considered to be competent when he/she consistently demonstrates the ability to transfer scientific knowledge from social, biological and physical sciences in applying the nursing process, as follows:

(1) Formulates a nursing diagnosis through observation of the client's physical condition and behavior, and through interpretation of information obtained from the client and others, including the health team.

(2) Formulates a care plan, in collaboration with the client, which ensures that direct and indirect nursing care services provide for the client's safety, comfort, hygiene, and protection, and for disease prevention and restorative measures.

(3) Performs skills essential to the kind of nursing action to be taken, explains the health treatment to the client and family and teaches the client and family how to care for the client's health needs.

(4) Delegates tasks to subordinates based on the legal scopes of practice of the subordinates and on the preparation and capability needed in the tasks to be delegated, and effectively supervises nursing care being given by subordinates.

(5) Evaluates the effectiveness of the care plan through observation of the client's physical condition and behavior, signs and symptoms of illness, and reactions to treatment and through communication with the client and health team members, and modifies the plan as needed.

(6) Acts as the client's advocate, as circumstances require, by initiating action to improve health care or to change decisions or activities which are against the interests or wishes of the client, and by giving the client the opportunity to make informed decisions about health care before it is provided.

COST RECOVERY

11. Section 125.3 of the Code provides, in pertinent part, that the Board may request the administrative law judge to direct a licensee found to have committed a violation or violations of the licensing act to pay a sum not to exceed the reasonable costs of the investigation and enforcement of the case.

FACTUAL ALLEGATIONS

12. Respondent was employed as a registered nurse at the Chino Valley Medical Center from approximately May 12, 2010 through May 11, 2011. On May 8, 2011, Respondent was assigned to provide care and assistance to four low acute patients during the night shift in the Emergency Room, when at approximately 9:44 p.m., she abandoned her patients and left the hospital abruptly. She did not provide a report of her patients' conditions to the nurse(s) that assumed the care and treatment of her patients, or provide for the continuation of nursing care. She also did she notify the charge nurse of her departure. Subsequently, Respondent resigned from Chino Valley Medical Center and the facility accepted her voluntary resignation.

FIRST CAUSE FOR DISCIPLINE

(Unprofessional Conduct – Incompetence)

13. Respondent is subject to disciplinary action for unprofessional conduct under Code section 2761(a)(1) in that during her assignment at Chino Valley Medical Center, Respondent demonstrated incompetence in her care of four patients, as she failed to exercise the degree of learning, skill, care and experience ordinarily possessed and exercised by a competent registered nurse, when she abruptly abandoned her four patients, failed to provide for continuity of care for those patients, failed to provide complete patient reports to the nurse(s) assuming their care and failed to notify the charge nurse of her departure, as is set forth in paragraph 12 above, which is incorporated herein as though set forth in full.

SECOND CAUSE FOR DISCIPLINE

(Unprofessional Conduct)

14. Respondent is subject to disciplinary action for unprofessional conduct under Code section 2761(a) in that she abruptly abandoned four patients assigned to her care without

1 providing a report of their condition to the nurse(s) assuming their care, without providing for the
2 continuation of nursing care and without reporting her departure to the charge nurse, as is set
3 forth in paragraph 12 above, which is incorporated herein as though set forth in full.

4 **PRAYER**

5 WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,
6 and that following the hearing, the Board of Registered Nursing issue a decision:

7 1. Revoking or suspending Registered Nurse License Number 768552, issued to
8 Claudine Rae Crilly;

9 2. Ordering Claudine Rae Crilly to pay the Board of Registered Nursing the reasonable
10 costs of the investigation and enforcement of this case, pursuant to Business and Professions
11 Code section 125.3;

12 3. Taking such other and further action as deemed necessary and proper.
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15 DATED: February 21, 2013

Louise R. Bailey
LOUISE R. BAILEY, M.Ed., RN
Executive Officer
Board of Registered Nursing
Department of Consumer Affairs
State of California
Complainant

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